

The Gazette of India



EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

No. 14]

NEW DELHI, FRIDAY, MAY 25, 1962/JYAISTHA 4, 1884

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th May, 1962:—

BILL No. 38 OF 1962

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People Short title (Amendment) Act, 1962.

5 2. After clause (f) of section 7 of the Representation of the Amendment 43 of 1951. People Act, 1951, the following shall be added at the end, namely:— of section 7.

10 “(g) if, he is a Ruler of an Indian State, as defined in clause (22) of article 366 of the Constitution and is in receipt of a Privy Purse under clause (b) of article 291 of the Constitution”.

STATEMENT OF OBJECTS AND REASONS

The Rulers of the Indian States, as defined in clause (22) of article 366 of the Constitution, partake of the nature of a sovereign, inasmuch as the covenanted Privy Purse that they are in enjoyment of under clause (b) of article 291 of the Constitution is tax-free. These Rulers also enjoy a special privilege, in being immune from the due process of law in civil and criminal proceedings. The covenanted Privy Purse, which they enjoy, is in the nature of 'royal bounty' as it is understood in U.K. Thus the hereditary dignities, covenanted Privy Purses in the nature of 'royal bounty' and special privileges, which they enjoy, clothe them with all the disability, which the Peers in U.K. attract, in being elected to the U.K. House of Commons. Notwithstanding the fact that the Rulers may remain as citizens, defined in article 5 of the Constitution, they will not be qualified to be chosen to fill a seat in Parliament or the State Legislatures; being beneficiaries of State bounties. The present Bill seeks to achieve that pattern, and remove an anomaly which is repugnant to the underlying spirit and the republican ideals of our Constitution and socialistic aims of our society.

NEW DELHI;

DIWAN CHAND SHARMA.

The 16th April, 1962.

BILL No. 43 OF 1962

A Bill to provide for building up an up-to-date and a comprehensive Library for Parliament.

WHEREAS it is necessary, for building up an up-to-date and a comprehensive Library for the Parliament of India, to make arrangements to secure copies of every book, publication, periodical, etc., including maps, illustrations, photographs printed, lithographed, or 5 photographed, in any language, in any part of the Union of India;

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliament Library Act, 1962.

Short title,
extent and
commencement.

(2) It extends to the whole of India, except the State of Jammu 10 and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definition .

(a) "author" includes the writer, composer, compiler, annotator, commentator, or editor of a book, paper, periodical, or publication, or a cartoonist, or illustrator, draftsman, painter, and any other person whose work is included in the form of writing, annotation, compilation, editing, drawing, illustration, cartoon, map, or such like material, in a book or published separately;

(b) "book" includes any work in writing, paper, periodical, pamphlet, or publication, printed and published or lithographed, whether offered for sale or otherwise; and every part or division of a book, pamphlet, sheet of letter press, sheet of music, map, plan, drawing, illustration, cartoon, graph, chart, or table, ⁵ separately published, but shall not include any second or subsequent edition of a book, unless such edition contains additions, annotations, or alterations, either in the letter press or in the maps, prints, or other engravings, belonging thereto, or is an ¹⁰ abridgement of that book;

(c) "composer" means the composer of a musical work or of musical notation, or dance choreograph;

(d) "library" means library attached to the Parliament of India;

(e) "printer" means the proprietor or manager of a printing ¹⁵ press, where the copies of a book are multiplied, and who is registered as the keeper of such a printing press;

(f) "publisher" means any person, firm, or company, carrying on business as publisher of books, and declared in any book to be publisher thereof. ²⁰

Explanation.—(a) If in any case there are more than one person contributing to the making of a book in its several parts of writing, commentary, or illustrations, etc., separately, the term "author" shall mean those composing and providing the actual thought and material contained in that book, whether ²⁵ published or otherwise; while those who have supplied the commentary, illustration, or annotation or editing shall be distinguished from the author, by the addition of an appropriate term giving the proper designation and contribution of each such contributor. ³⁰

(b) Where there is more than one person jointly concerned in writing, or providing the actual thought and material contained in a book, they shall be known as joint authors.

(c) For the purpose of this section the expression "author", "printer", "publisher" and "composer" includes the heirs, ³⁵

assignees or the legal representatives of a deceased author, printer, publisher or composer, respectively.

5 (d) Where in any case the same person acts as author, printer or publisher, or combines in himself more than one of these capacities, his responsibilities under this Act shall be the same as that of all of them jointly and each severally.

3. (1) The publisher etc. of every book printed, lithographed, or photographed, and published in any State in the Union of India, shall, after this Act comes into force, furnish, at his own expense, 10 within one calendar month of the date of such printing, lithographing, photographing or publishing, to the Secretary to the House of the People who shall give, or cause to be given, a written receipt for the same, three copies of each such book or work printed, photographed, lithographed and published in any language, in any part 15 of the Union of India for use in the library.

(2) The copies so delivered under sub-section (1) to the Secretary to the House of the People shall be complete copies of the entire book, including all maps, charts, graphs, tables, notes, illustrations, sketches, drawings, wood-cuts, or photogravures included therein, 20 printed on and stitched or sewn, and bound and got up in the best paper in the same manner as the best copies of the book published:

Provided that in the case of any book of which only a number of copies have been printed on superior paper and sewn or stitched and bound in a better manner and material, whether for presentation or for sale at a price higher than that charged for the ordinary edition, the copies required to be so furnished under this section shall be of the better or superior edition.

4. Without prejudice to any rights or privileges of the Government of India or the Government of a State, the provisions of this 30 Act shall also be applicable to any work which has been prepared or published by or under the direction or control of any Government department.

5. If the Publisher fails to comply with the provisions of this Act, he shall be liable on summary conviction to a fine not exceeding 35 rupees one hundred in respect of each book, or each demand by the Secretary to the House of the People, in addition to the price of the copies of the book required to be furnished free of cost under this Act; and the fine shall be paid to the Secretary to the House of the People to be kept in a separate reserve fund to be used for 40 the purposes of this Act.

Copies of books to be delivered to Secretary to the House of the People.

Application.

Penalty for offences under the Act.

Appeal
against the
fine.

6. Any person affected by an order under section 5 may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal. 5

Court to try 7. No Court inferior to that of a Presidency Magistrate or a
offences under the Magistrate of the First Class shall try any offence against this Act.
Act.

STATEMENT OF OBJECTS AND REASONS

The most important National Libraries of the world, such as the British Museum, the Congressional Library in the United States, or the Bibliotheque Nationale of France, are built up and kept up-to-date by requiring copies of all books etc., printed and published within the jurisdiction of the countries concerned, to be supplied free of cost to such central institutions, under the authority of some National legislation.

In the United States as well as in Britain the Copyright legislation is utilised to achieve this object.

This Bill accordingly proposes to secure, for the use of the Library of Parliament, one copy at least of every book, or publication printed in India in any Indian or foreign language. The Library of Parliament should contain all available material for every problem that may engage the attention of Parliament. It should in fact be co-extensive with the problems of the entire public and private life in the country in all its aspects and phases.

NEW DELHI:

DIWAN CHAND SHARMA

The 16th April, 1962.

BILL No. 40 OF 1962

A Bill further to amend the Child Marriage Restraint Act, 1929

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Child Marriage Restraint (Amendment) Act, 1962.

Amendment
of section 2

2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act), for the word "eighteen", the word "twenty-one" and for the word "fifteen", the word "eighteen" shall be substituted. 19 of 1929. 5

Amendment
of section 3.

3. In section 3 of the principal Act—

(a) the words "above eighteen years of age and" shall be omitted; and

(b) after the word "twenty-one", the words "years of age" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

If we are to survive as a virile, robust and progressive nation, and if we are to raise the standard of living of the masses, we must protect the health of the youth and check the growth of population and both these objectives can be achieved by raising the age for marriage. Fertility is highest between the ages of 15 and 25 and therefore raising the age of marriage will go a long way to solve our economic, health, medical, mental, moral and other problems. Our goal of Welfare State can best be achieved by developing a race of limited number of robust men and women.

Hence this Bill.

NEW DELHI:
The 16th April, 1962.

DIWAN CHAND SHARMA

BILL No. 41 of 1962

A Bill further to amend the Mines Act, 1952.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Mines (Amendment) Act, 1962.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5

(3) It shall come into force at once.

Amendment of section 12. 2. In section 12 of the Mines Act, 1952, (hereinafter referred to as the principal Act) after sub-section (3), the following sub-section shall be added, namely:—

"(4) (a) Every Mining Board constituted under this Act ₁₀ shall meet at least twice in a year.

(b) The chairman or, in his absence, any person chosen by the said persons shall preside at a meeting of a Mining Board.

(c) All questions at a meeting of a Mining Board shall be decided by a majority of the votes of the persons present and ₁₅ voting.

(d) The quorum to constitute a meeting of a Mining Board shall be, as near as may be, one third of the total number of the said persons:

Provided that if there is no quorum the meeting shall be adjourned:

5 Provided further that if there is no quorum at the adjourned meeting, all questions shall be decided by a majority of the persons present and voting."

3. In section 64 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:—

10 "shall be punishable with imprisonment for a term which may extend to three months but shall not be less than one month or with fine which may extend to one thousand rupees but shall not be less than three hundred rupees, or with both."

4. In section 66 of the principal Act, after the words "one thousand rupees" the words "but shall not be less than one hundred rupees" shall be added.

5. To section 67 of the principal Act, the following proviso shall be added, namely:—

20 "Provided that the penalty imposed under this section shall not be less than an imprisonment for one month or a fine of three hundred rupees for the first offence."

6. In section 70 of the principal Act,—

Amendment of section 70.

25 (1) in sub-section (1), for the words "which may extend to three months, or with fine which may extend to five hundred rupees", the following shall be substituted, namely:—

“which may extend to three months, but not less than six weeks or with fine which may extend to five hundred rupees but not less than three hundred rupees.”

30 (2) in sub-section (2), for the words "which may extend to three months, or with fine which may extend to five hundred rupees", the following shall be substituted, namely:—

“which may extend to three months, but not less than six weeks or with fine which may extend to five hundred rupees but not less than three hundred rupees.”

Amendment
of section
72C.

7. In sub-section (1) of section 72C of the principal Act,—

(1) in clause (a), for the words “which may extend to two years or with fine which may extend to five thousand rupees”, the following shall be substituted, namely:—

“which may extend to two years but shall not be less than six months, or with fine which may extend to five thousand rupees, but shall not be less than one thousand rupees.”

(2) in clause (b), for the words “which may extend to one year, or with fine which may extend to three thousand rupees”, the following shall be substituted, namely:—

“which may extend to one year but shall not be less than three months, or with fine which may extend to three thousand rupees but shall not be less than one thousand rupees”; and

(3) in clause (c), for the words “which may extend to three months, or with fine which may extend to one thousand rupees”, the following shall be substituted, namely:—

“for a term of three months or with fine which may extend to one thousand rupees, but shall not be less than three hundred rupees.”

Amendment
of section 73

8. In section 73 of the principal Act, for the words “which may extend to”, the word “of” shall be substituted.

23

STATEMENT OF OBJECTS AND REASONS

It appears from reports about the working of penal provisions of the Mines Act, 1952 that the Courts have generally taken a very lenient view of the offences under the Act. Consequently the enactment has not served the desired purpose. Hence the provisions have been proposed for prescribing the minimum sentence. Opportunity has also been taken to amend section 12 of the Act so as to provide that the Mining Boards do meet at least twice a year and take decisions speedily.

NEW DELHI;

SATIS CHANDRA SAMANTA

The 17th April, 1962.

BILL No. 39 OF 1962

A Bill to amend the Untouchability (Offences) Act, 1955.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

Short title and commencement. 1. (i) This Act may be called the Untouchability (Offences) Amendment Act, 1962.

(ii) It shall come into force at once. 5

Amendment of section 3. 2. In section 3 of the Untouchability (Offences) Act, 1955 (hereinafter referred to as the principal Act),—

22 of 1955.

(i) in clause (a), for the words, "other persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person," the words "Hindus or any class or section thereof" shall be substituted.

(ii) in clause (b),—

(a) for the words "other persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person" the words "Hindus or any class or section thereof" shall be substituted. 15

(b) in the *explanation* the words "and section 4." shall be omitted.

Amendment of section 4. 3. In section 4 of the principal Act,—

(i) in sub-clause (ii), for the words "of persons professing the same religion or belonging to the same religious denomination or any section thereof as such person" the words "any section thereof" shall be substituted. 20

(ii) in sub-clause (iv), for the words "persons professing the same religion or belonging to the same religious denomination or any section thereof, as such persons" the words "any section thereof" shall be substituted.

5 (iii) in sub-clause (v), for the words "persons professing the same religion or belonging to the same religious denomination or any section thereof, as such persons" the words "any section thereof" shall be substituted.

10 (iv) in sub-clause (vi), for the words "of persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person," the words "any section thereof" shall be substituted.

15 (v) in sub-clause (ix), for the words "to persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person," the words "any section thereof," shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Untouchability (Offences) Act, 1955 restricts the religious right of a member of the Scheduled Castes belonging to a particular religion or religious denomination or section of the religious denomination from entering and offering worship in any place of public worship which is open to a member of a different religion or religious denomination or section of a religious denomination. Section 4 similarly restricts his social rights to the use of river, well, road, *dharmasala* and places of public entertainment. He should have equal religious rights with any Hindu, and equal social rights with any member of the general public and it is necessary and expedient to remove those restrictions.

Hence the Bill.

NEW DELHI;
25th April, 1962.

S. M. SIDDIAH.

M. N. K.

Secretary.